

Senate Bill 245

By: Senator Stoner of the 6th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of alcoholic beverages generally, so as to authorize the governing authority of a county or municipality to permit the sale of alcoholic beverages for consumption on the premises until 4:30 A.M. each day and beginning at 12:30 P.M. on Sundays; to provide that such authorization shall be by resolution or ordinance approved in a referendum; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of alcoholic beverages generally, is amended by inserting immediately following Code Section 3-3-7 a new Code Section 3-3-7.1 to read as follows:

"3-3-7.1.

(a) Notwithstanding any other provisions of law, in all counties or municipalities in which the sale of alcoholic beverages is lawful for consumption on the premises, the governing authority of the county or municipality may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises until 4:30 A.M. each day and beginning at 12:30 P.M. on Sundays in any licensed establishment.

(b) Any governing authority desiring to permit and regulate alcoholic beverage sales pursuant to this Code section, but only after a referendum election, shall so provide by proper resolution or ordinance conditioned on approval in a referendum. Not less than ten nor more than 60 days after the date of approval of such resolution or ordinance, it shall be the duty of the election superintendent of the county or municipality to issue the call for an election for the purpose of submitting the question of such alcoholic beverage sales to the electors of the county or municipality for approval or rejection. The superintendent shall

1 set the date of the election for a day not less than 30 nor more than 60 days after the date
2 of the issuance of the call. The superintendent shall cause the date and purpose of the
3 election to be published in the official organ of the county once a week for two weeks
4 immediately preceding the date thereof. The ballot shall have written or printed thereon
5 the words:

6 '() YES Shall the governing authority of (name of county or municipality) be
7 authorized to permit and regulate the sale of alcoholic beverages for
8 () NO consumption on the premises until 4:30 A.M. each day and beginning at
12:30 P.M. on Sundays?'

9 All persons desiring to vote for approval of such sales shall vote 'Yes,' and those persons
10 desiring to vote for rejection of such sales shall vote 'No.' If more than one-half of the
11 votes cast on the question are for approval of such sales, the governing authority may by
12 appropriate resolution or ordinance permit and regulate such sales by licensees. Otherwise,
13 such sales shall not be permitted. The expense of the election shall be borne by the county
14 or municipality in which the election is held. It shall be the duty of the superintendent to
15 hold and conduct the election. It shall be his or her further duty to certify the result thereof
16 to the Secretary of State.

17 (c) Notwithstanding this Code section or any other provision of law, all county or
18 municipal resolutions or ordinances enacted prior to July 1, 2008, pursuant to the
19 authorizations granted by subsections (a) through (o) of Code Section 3-3-7 are declared
20 to be valid and shall remain in full force and effect unless affirmatively repealed by the
21 governing authority of the county or municipality.

22 (d) The provisions of this Code section are in addition to or cumulative of and not in lieu
23 of any other provisions of this title granting certain authority to a county or municipality
24 relative to the sale of alcoholic beverages for consumption on the premises."

25 **SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.